

REMARKS

Claims 1-7, 9-21, 24-28, and 67-91 are currently pending in the application. Applicants have amended claims 1 and 67. Applicants request reconsideration of the application in light of the following remarks.

Restriction Requirement

Applicant affirms the election of Group I, claim numbers 1-28 and 49-54 without traverse.

Objections to Claims

The Examiner has objected to claims 3 and 17 for informalities. Applicant has amended claims 3 and 17 as proposed by the Examiner. Applicant respectfully requests that the objections to claims 3 and 17 be withdrawn.

Indication of Allowable Subject Matter

Claims 22 and 23 were objected to as being dependent upon rejected base claim 1. The Examiner indicated that the subject matter of claims 22 and 23 was allowable and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this indication of allowable subject matter. Applicant has converted claim 22 to independent form by moving the allowable subject matter of claim 22 to claim 1. Applicant has represented claim 23 in independent form including all of the limitations of its base claim 1 by adding new claim 67. There were no intervening claims between claim 1 and either of claims 22 or 23.

Dependent claims 2-21 and 24-28 depend from now allowable claim 1. New claims 68-91, which are similar to claims 2-21 and 24-28 but which relate to the subject matter of new claim 67, depend from now allowable claim 67. Applicants respectfully request that the objections to claims 1-21 and 24-28 be withdrawn and that all of the claims remaining in the case be allowed.

Rejections under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1, 8-18, and 26-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Robinson (U.S. Patent No. 6,419,477, hereinafter “Robinson-1”).

Claim 1 has been amended to include the allowable subject matter from claim 22 and is, therefore, allowable. Claim 8 has been canceled, thus obviating the rejection. Dependant claims 9-18 and 26- 28 are allowable over Robinson-1, among other reasons, for depending from allowable claim 1. Applicant requests the rejection of claims 1, 9-18 and 26-28 be withdrawn.

Rejections under 35 U.S.C. §103

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims 2-7, 19-21 and 24-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson-1 in light of Robinson (U.S. Patent No. 4,475,483), hereinafter ("Robinson-2").

Dependant claims 2-7, 19-21 and 24-25 are allowable over the combination of Robinson-1 in light of Robinson-2, among other reasons, for depending from allowable claim 1. Therefore, applicant respectfully requests that the obviousness rejections of claims 2-7, 19-21 and 24-25 be withdrawn.

Claims 49-54 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Robinson-2 in view of Robinson-1. Claims 49-54 have been canceled without traverse to obtain immediate allowance of the allowable subject matter, thus obviating this rejection.


CONCLUSION

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: April 5, 2004

By 
Kenneth C. Booth
Reg. No. 42,342

SCHMEISER, OLSEN & WATTS LLP
18 East University Drive, #101
Mesa, AZ 85201
(480) 655-0073